

July 15, 2003

July Fifteenth

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The second regular Meeting of City Council was held on the above date at 7:00 p.m. in the Council Chambers located on the Fourth floor of the Municipal Building. The following Council Members were present: Ruby B. Archie, P. A. "Pete" Castiglione, Jr., E. Stokes Daniels, Jr., Mayor John C. Hamlin, T. David Luther, Albert K. "Buddy" Rawley, Jr., Sherman M. Saunders, H. Phillip Smith and Vice-Mayor R. Wayne Williams, Jr. (9)

Administrative Staff Members present were City Manager Jerry L. Gwaltney, Deputy City Manager M. Lyle Lacy, III, City Attorney Timothy R. Spencer, Finance Director Aubrey D. Dodson, Legislative Liaison and Public Affairs Director Todd M. Yeatts, and Clerk of the Council Annette Y. Crane, CMC.

Other Staff Members present were Economic Development Director Ron Bunch, Public Works Director Rick Drazenovich, Human Services Director Gwendolyn Edwards, Community Development Director Jerry Fischer, Assistant Transportation Services Director Lane Rodgers, and Deputy Public Works Director/City Engineer Kent Shelton.

Mayor Hamlin presided.

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Council Member Castiglione offered the Invocation. The Pledge of Allegiance to the Flag followed.

#### **MINUTES**

Upon Motion by Council Member Archie and second by Council Member Smith, Minutes of the Regular Council Meeting of July 1, 2003 were approved as presented. Draft copies had been distributed to Council Members prior to the Meeting.

#### **PUBLIC HEARING - BUDGET AMENDMENTS - FY 2003-2004**

Mayor Hamlin announced that the following budget amendments (Items VII-B 2-5) had been previously discussed by Council and were introduced for First Reading on July 1, 2003. He said Council in the Public Hearing would further consider the items. After the Public Hearing is closed, there would be no separate discussion on the items and they would be enacted by one motion. Should a Council Member or citizen desire discussion, the item(s) would be removed from the consent process and considered separately.

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Fiscal Year 2003-2004 Budget Appropriation Ordinance. Notice of the Public Hearing had been duly published in the Danville Register and Bee on July 8, 2003. No one present desired to be heard and the Public Hearing was closed.

**BUDGET ADOPTION-FY 2003-04-COMPREHENSIVE SERVICES ACT**

Upon Motion by Vice-Mayor Williams and second by Council Member Archie, Ordinance No. 2003-07.01 presented by its First Reading on July 1, 2003 amending the 2003-2004 Budget Appropriation Ordinance by appropriating Comprehensive Services Act funds and providing local matching funds for a total amount of \$2,240,648 was adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

**BUDGET ADOPTION-FY 2003-04-OUTREACH DETENTION PROGRAM**

Upon Motion by Vice-Mayor Williams and second by Council Member Archie, Ordinance No. 2003-07.02 presented by its First Reading on July 1, 2003 amending the Fiscal Year 2003-2004 Budget Appropriation Ordinance for a grant and per diem charges to provide for the Outreach Detention Program at the W. W. Moore, Jr. Detention home and appropriating same in the amount of \$223,929 was adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

**BUDGET ADOPTION-FY 2003-04-ELECTRONIC MONITORING**

Upon Motion by Vice-Mayor Williams and second by Council Member Archie, Ordinance No. 2003-07.03 presented by its First Reading on July 1, 2003 amending the Fiscal Year 2003-2004 Budget Appropriation Ordinance by anticipating revenues in the amount of \$60,033 from the operation of an Electronic Monitoring Program for Pittsylvania County and appropriating same was adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

**BUDGET ADOPTION-FY 2003-04-CHILD DAY QUALITY INITIATIVE**

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Upon Motion by Vice-Mayor Williams and second by Council Member Archie, Ordinance No. 2003-07.06 presented by its First Reading on July 1, 2003 amending the 2003-2004 Budget Appropriation Ordinance due to anticipating funds from the Virginia Department of Social Services in the amount of \$25,000 for a Child Day Care Quality Initiative Program was adopted by the following vote:

VOTE: 9-0

AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).

NAY: None (0).

### **HEARING – RELOCATE POLLING PLACE - 12<sup>TH</sup> VOTING PRECINCT**

Mayor Hamlin opened the floor for a Public Hearing to consider relocating the City's polling place for the Twelfth Voting Precinct from the J. W. Squire Armory. Notice of the Public Hearing had been duly published in the Danville Register and Bee on July 1 and 8, 2003.

Electoral Board Chairman Ralph Polk urged Council to vote in favor of relocating the polling place for the 12<sup>th</sup> Voting Precinct from the J. W. Squire Armory to the American Legion Post 325. Mr. Polk said there were several reasons for Council to take this action. He said in reading in the newspaper of the City Manager's comments about the Squire Armory location being approved, Mr. Polk said there were some strings attached. Each voter would have to present identification (ID) to a law enforcement officer. Mr. Polk said this was a gestapo-type method and said he didn't think anyone would want our polling places operated in this manner. He said if this were done at the Armory, it would have to be done at all polling locations in the City. Mr. Polk recalled that in a telephone conversation with the Secretary of Elections Jean Jensen, General Registrar Peggy Petty was informed that in a recent election held in Fredericksburg, the School Superintendent had requested that every voter present ID before entering the local schools to vote. The Virginia Attorney General contacted the Federal Justice Department and was told the measure would not be approved.

Mr. Polk said use of the Squire Armory requiring 100% ID checks would have to be submitted to the Justice Department and would almost certainly be denied. Therefore, the members of the Danville Electoral Board believe it would be better to move the polling place to the American Legion Post. St. Luke's United Methodist Church had been designated as a temporary polling place following the September 11, 2001 World Trade Center bombing. He said St. Luke's was only a temporary polling place and it has now been two years. If City Council votes to move the polling place to the American Legion Post, the necessary documents will have to be filed with the Justice Department. Since the public hearing tonight is for relocating to the American Legion Post and if Council considers making St. Luke's the permanent polling place, it would necessitate advertising another public hearing for St. Luke's. Mr. Polk said there are five (5) elections coming up and there is not a great enough window of time to submit the necessary papers to the Justice Department for approval. Mr. Polk reiterated that Electoral Board members urge

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City Council to approve the relocation of the polling place for the 12<sup>th</sup> Voting Precinct to the American Legion Post 325.

In response to Mayor Hamlin, Mr. Polk said there is no specified definition of what “temporary” means for the polling place at St. Luke’s.

No one further desired to be heard and the Public Hearing was closed.

Council Member Luther moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2003-07.07

AN ORDINANCE AMENDING SECTION 12-22 OF CHAPTER 12 OF THE DANVILLE CITY CODE TO RELOCATE THE POLLING LOCATION FOR WARD NUMBER 12.

Council Member Daniels seconded the Motion.

Council Member Rawley said that he presented an ID when he voted at the Ballou Park Nature Center polling place. In response to Mr. Rawley, City Attorney Spencer said there are several types of ID. If a voter does not have ID when preparing to cast a vote, he or she must swear to and sign an affidavit, under penalty of perjury or a felony, that the voter is indeed the person he or she alleges to be. Once the oath is complete, the individual shall then be allowed to vote.

Council Member Luther said that if the Squire Armory situation was transposed to Ballou Park, then ID would have to be presented before a voter could even enter the park property. A law enforcement person would check ID before the voter entered the park and again, ID would have to be presented prior to voting. City Attorney Spencer said a letter from the Justice Department indicated that ID would have to be presented at controlled access points. Mr. Spencer said he was unclear as to exactly what that meant, but the letter did state “100% ID checks.”

Council Member Smith said the Armory is not a good location for voting because all the rules make voting too confusing, too legalistic and not too democratic as far as he was concerned. Mr. Smith said he felt the Justice Department should be willing to work through whatever process is necessary and make St. Luke’s Church the permanent polling place. He said another reason for making St. Luke’s the permanent polling place is that it is in the Voting Precinct’s geographical area.

In response to Mr. Luther, Chairman Polk said the voting equipment is placed in the church on Monday, the day before a Tuesday election, and is removed within the same week.

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Mr. Luther said he was concerned about the number of elections to be held in the coming year and felt the best polling place would be the American Legion Post. He felt there would be better security and that the facility would always be available.

Mr. Polk said he didn't see any problem with using the church, but felt concerned about the time frame for approval from the Justice Department. He said the deadline for filing documents was October 10. Mr. Polk said the time frame is very, very tight. He said the Electoral Board feels it may be too late for an approval from the Justice Department.

Council Member Castiglione said the City is better off right now since there is a temporary polling place for upcoming elections at St. Luke's. Mr. Castiglione said churches are the second most popular polling places, with schools being the first. He said there would be easier access in and out at St. Luke's and that it is within the boundaries of the precinct.

Mayor Hamlin asked the City Attorney if there was adequate time for advertising another public hearing. Mr. Spencer said there was.

In response to Council Member Luther, General Registrar Peggy Petty indicated that the Forest Hills polling place is located out the boundaries of the precinct. She said she had received no complaints.

Council Member Luther inquired of City Manager Gwaltney about a Memorandum of Understanding between the City and American Legion Post 325, which had been executed in March 2003. City Manager Gwaltney said he was approached sometime back with the document that now had his signature. Prior to signing the document, Mr. Gwaltney said he sought legal opinion as to whether or not he should sign. He said he was advised that he was merely signing a document that would later have to be approved by City Council if the Council desired to move the polling place to the American Legion facility. He said the document simply set in motion, if indeed the polling place was moved, for the City to service the facility as it does the other facilities in the City. Mr. Gwaltney said the document was executed at that time only after seeking the advice of legal counsel. Mr. Gwaltney said the document would not be in effect if the polling place were not moved. Mr. Luther asked why the document was not included in the agenda package if Council was to act on the document during this meeting. City Attorney Spencer said the matter was discussed during the June 17, 2003 Work Session and due to an oversight was left out of the agenda material.

Council Member Daniels said he would support the move to American Legion Post 325. Mr. Daniels said that was the recommendation of the Electoral Board and because of time constraints, he felt he should support the Board's recommendation.

Council Member Rawley was concerned that if St. Luke's were to become the permanent polling place, there may be times when there would be funerals or other conflicts at the church. Mr. Rawley said he has received no complaints about the matter.

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Council Member Saunders thanked members of the Electoral Board and staff for the work that has already taken place. Mr. Saunders said showing ID and having security officers on sight at the polling place was not a problem for him. If indeed this was a problem for others, St. Luke's church is located almost next door to the Armory and is presently being used on a temporary basis. If St. Luke's is working, then Mr. Saunders said he felt that would be the best option at this time. He said that with regard to the church having other functions, such as funerals, the matter had probably already been discussed with the membership and they had agreed to have the polling place at the church.

In response to Mr. Polk, Mayor Hamlin said the administration had not approached anyone about a permanent place for voting. City Manager Gwaltney said that after meeting with both Adjutant General Claude Williams and Ms. Jean Jensen, Secretary of Elections for the Commonwealth of Virginia, he discussed the use of St. Luke's with Rev. Randy Duncan and was advised that the church was very supportive of using its facilities as a precinct if needed for continued use. Rev. Duncan said there had not been any problems and there had been a great relationship. Rev. Duncan also said that if needed for an emergency (if the City changed back to the Armory), the church would gladly open its facility for use as it had in the past.

Adoption of the Ordinance **failed** by the following vote:

VOTE: 4-5  
AYE: Daniels, Hamlin, Luther, and Rawley (4).  
NAY: Archie, Castiglione, Saunders, Smith, and Williams (5).

Mayor Hamlin asked City Attorney Spencer to draft a public notice for publication to hear input from citizens concerning making St. Luke's United Church the permanent polling place for the 12<sup>th</sup> Precinct. He also asked Mr. Spencer to draft a Memorandum of Understanding for consideration by St. Luke's Church for presentation at the August 5, 2003 Council Meeting. Mayor Hamlin further requested that Mr. Spencer follow up with the Electoral Board in order to ensure that the time frame for approval by the Justice Department is within the necessary limits.

### **HEARING - STADIUM LEASE – ATLANTA NATIONAL LEAGUE**

Mayor Hamlin opened the floor for a Public Hearing to consider the execution of a Stadium Lease and Use Agreement between the City and the Atlanta National League Baseball Club, Inc. Notice of the Public Hearing had been duly published in the Danville Register and Bee on July 8, 2003. No one present desired to be heard and the Public Hearing was closed.

Council Member Daniels moved the adoption of a Resolution entitled:

RESOLUTION NO. 2003-07.04

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A RESOLUTION AUTHORIZING AND APPROVING A LEASE AGREEMENT  
WITH THE ATLANTA NATIONAL LEAGUE BASEBALL CLUB, INC.

The Motion was seconded by Council Member Saunders and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

**BUDGET AMENDMENT-2003-04-M.C. MARTIN PARK IMPROVEMENTS**

Upon Motion by Council Member Archie and second by Council Member Rawley, an Ordinance entitled:

ORDINANCE NO. 2003-07.08

AN ORDINANCE AMENDING THE 2003-2004 BUDGET APPROPRIATION ORDINANCE BY INCREASING ANTICIPATED REVENUES FROM PRIVATE DONATIONS IN THE AMOUNT OF \$3,000 AND LOCAL MATCH IN THE AMOUNT OF \$3,000 FOR THE REDEVELOPMENT OF M. C. MARTIN PARK FOR A TOTAL APPROPRIATION IN THE AMOUNT OF \$6,000

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

Mayor Hamlin recognized and acknowledged the presence of approximately 10 citizens who were present in support of the redevelopment of M. C. Martin Park.

**BUDGET AMENDMENT- FY 2003-04- TITLE III-D GRANT FUNDS**

Upon Motion by Vice-Mayor Williams and second by Council Member Daniels, an Ordinance entitled:

ORDINANCE NO. 2003-07.09

AN ORDINANCE AMENDING THE FISCAL YEAR 2003-2004 BUDGET APPROPRIATION ORDINANCE BY INCREASING ANTICIPATED REVENUES TO PROVIDE FOR AN ADDITIONAL AWARD OF TITLE III-D GRANT FUNDS FOR SENIOR CITIZEN PROGRAMS IN THE AMOUNT OF \$969

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

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## **VDOT - DEMOLITION OF WORSHAM STREET BRIDGE**

Council Member Smith moved the adoption of a Resolution entitled:

### **RESOLUTION NO. 2003-07.05**

A RESOLUTION AUTHORIZING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO ESTABLISH A PROJECT FOR THE DEMOLITION OF THE WORSHAM STREET BRIDGE.

Council Member Saunders seconded the Motion.

Council Member Castiglione advised that he had received calls from citizens about the Worsham Street Bridge. He said it was important for citizens to know that there will be an opportunity for the public to express their views. Mr. Castiglione requested that a report be prepared to include the cost for maintaining the bridge.

In response to Council Member Archie, Public Works Director Rick Drazenovich said that in order to make Worsham Street Bridge a bridge for pedestrian use only, the cost would be approximately \$8.5 million because the bridge would need repairs to the superstructure. Mr. Drazenovich said that the Virginia Department of Transportation (VDOT) probably would not provide funding for such a bridge and there would still need to be major repairs. He said in order to bring the bridge up to standards for vehicular traffic, approximately \$16 million would be needed. Currently, the bridge is inspected every six months to ensure the safety of the structure. Mr. Drazenovich said there would be opportunities for public input at hearings to be conducted by VDOT.

In response to Council Member Saunders, Mr. Drazenovich said there is presently a 5-ton weight limit on the bridge and that the City's larger vehicles do not use the bridge.

The Resolution was adopted by the following vote:

VOTE:	9-0
AYE:	Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders, Smith, and Williams (9).
NAY:	None (0).

## **COMMUNICATIONS**

There were no communications from the City Manager, Deputy City Manager and City Clerk.

City Attorney Spencer called attention to a report that had been placed at the desk of each Council Member outlining the duties of the City Attorney.

## **ROLL CALL**



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Council Member Archie, on behalf of John M. Langston School alumni (classes of 1937-73), thanked Mayor Hamlin for taking the time from his busy schedule to welcome the former students. A reunion was held in Danville recently.

Council Member Castiglione, who serves as the Council Representative to the Danville Development Council (DDC), said the DDC is one of the busiest and group of individuals in the City. He said they are working continually for the betterment of Danville and its citizens.

Council Member Daniels expressed appreciation to former Electoral Board Secretary Shirley Mayhew for all her hard work. Ms. Mayhew resigned from the Board, effective July 31, 2003. Mr. Daniels asked City Manager Gwaltney to clarify the reason for the Solid Waste Collection Guidelines that were published in the local paper on Sunday. Mr. Gwaltney advised that the last printing of the guidelines was in 2001 and basically, there are no significant changes in the guidelines. The rules and regulations remain the same.

Mayor Hamlin commended Parks, Recreation, and Tourism Director John Gilstrap and staff for the outstanding Fourth of July Celebration held at the Crossing at the Dan last Friday evening. Mayor Hamlin also announced that the National Weather Service had proclaimed the City of Danville as a "Storm Ready" City.

Mayor Hamlin announced there would be a Joint Meeting of Council and the Planning Commission on Tuesday, July 29 in the 2<sup>nd</sup> Floor Conference Room of City Hall and a Joint Meeting with the Pittsylvania County Board of Supervisors on Wednesday, July 30. A location site is pending.

Council Members Luther, Rawley, and Smith expressed appreciation to Dr. Shirley Mayhew for her work on the Electoral Board.

Council Member Luther asked City Manager Gwaltney the possibility of re-broadcasting the Council Meetings during the week following the regular meetings. Mr. Gwaltney said the matter is presently being investigated.

Council Member Smith requested the City Manager to set up a meeting with City Council and the Utility Commission to discuss broadband planning.

Vice-Mayor Williams expressed his appreciation to everyone who has worked on the relocation of the 12<sup>th</sup> precinct polling place. He said such involvement indicated how important the right to vote is to Danville's citizens.

The Meeting adjourned at 8:02 P.M.

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MAYOR

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CLERK